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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,876	06/27/2003	Jonathan Dale	073338.0134 (02-53311 PLA)	7466
5073	7590	03/20/2008	EXAMINER	
BAKER BOTTS LLP, 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			JABR, FADEY S	
ART UNIT	PAPER NUMBER			
	3628			
NOTIFICATION DATE	DELIVERY MODE			
03/20/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[ptomail1@bakerbotts.com](mailto:ptomail1@bakerbotts.com)  
[glenda.orrantia@bakerbotts.com](mailto:glenda.orrantia@bakerbotts.com)

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,876	<b>Applicant(s)</b> DALE, JONATHAN
	<b>Examiner</b> FADEY S. JABR	<b>Art Unit</b> 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 February 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-31 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 10 March 2008, PROSECUTION IS HEREBY REOPENED. A New Ground of Rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

John W. Hayes.

/John W Hayes/  
Supervisory Patent Examiner, Art Unit 3628

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-20 are rejected under 35 U.S.C. 101 because computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. See MPEP § 2106 (a). In the present case, an *interface* and an *agent* are considered to be software and are therefore deemed to be non-statutory.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al., Pub. No. US2008/0010105 A1 in view of Sobalvarro et al., Pub. No. US2006/0287897 A1, hereinafter referred to as Rose and Sobalvarro, respectively.

As per **Claims 1, 5-6, 9-11, 15-16, 19-21, 25-26 and 29-31**, Rose discloses a method and system comprising:

- identifying a template specifying a plurality of events (see Figure 5A);
- determining a plurality of consumer descriptors (see Figure 6A);
- accessing a remote service directory having service descriptors for each of a plurality of services (0010, 0051-0052, 0055);
- filtering the services from the service directory based on the service descriptors, the events, and the consumer descriptors to determine potential ones of the services for fulfilling the events (see Figures 6A, 7);
- querying each of the potential services for additional service descriptors (see Figures 7-9A);
- filtering the potential services based on the additional service descriptors, the events, and the consumer descriptors to determine selected ones of the services for fulfilling the events (see Figures 7-9A);
- identifying service links for accessing the selected services (0059);

Rose fails to disclose modifying the template to associate the service links with the events; determining whether each of the events in the template has an associated service link; and when each of the events in the template has an associated service link, presenting the template for

acceptance. Rose does disclose a customer accepting a reservation at an available time-slot (0075).

However, Sobalvarro teaches an itinerary for a short weekend with a hypertext link.

Sobalvarro also teaches a package for flight, car rental, dinner reservations and show tickets with hypertext links to each of the services for the event, and allowing the user to purchase the itinerary (see Figures 2E-2F). Further Sobalvarro teaches a number of package offerings with round trip air fare, hotel accommodations, car rental and show tickets (0100, 0107, also see Figure 2D, 3B, 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Rose and include modifying a template to incorporate links to the events and service links as taught by Sobalvarro since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claims 2, 12 and 22**, Rose discloses wherein for each of the potential services, the additional service descriptors comprise a plurality of interface descriptors each identifying a feature of the potential service and a format for interfacing with the feature (see Figure 8).

As per **Claims 3, 13 and 23**, Rose discloses wherein each of the service links points to a particular feature of the identified service and specifies a command for accessing the particular feature (see Figure 8).

As per **Claims 4, 14 and 24**, Rose discloses wherein the consumer descriptors include global descriptors applicable across multiple templates and dynamic descriptors specifying constraints for one or more of the events (see Figure 6A).

As per **Claims 7, 17 and 27**, Rose discloses communicating payment information to at least one of the selected services (see Figure 12).

As per **Claims 8, 18 and 28**, Rose discloses wherein the template comprises a text based file (see Figure 6A).

#### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FADEY S. JABR whose telephone number is (571)272-1516. The examiner can normally be reached on Mon. - Fri. 8:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr  
Examiner  
Art Unit 3628

FSJ

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

**Commissioner of Patents and Trademarks**  
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or faxed to:

**(571) 273-1516** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

/F. S. J./  
Examiner, Art Unit 3628

/John W Hayes/  
Supervisory Patent Examiner, Art Unit 3628